

REMARKS/ARGUMENTS

This Amendment is being filed in response to the second Official Action of October 19, 2007. The present application includes Claim 1-70, all of which have been considered in the second Official Action. In this regard, the Official Action continues to reject Claims 1-3, 6-10, 20-22, 25-28, 37-39, 42-45, 54-56 and 59-62 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0133393 to Tatsumi et al. The Official Action then rejects the remaining claims, namely Claims 4, 5, 11-19, 23, 24, 29-36, 40, 41, 46-53, 57, 58 and 63-70, under 35 U.S.C. § 103(a) as being unpatentable over Tatsumi in view of U.S. Patent Application Publication No. 2004/0003398 to Donian et al. As explained below, however, Applicants respectfully submit that the claimed invention is patentably distinct from Tatsumi and Donian, taken individually or in any proper combination. Nonetheless, Applicants have amended various ones of the claims to further clarify the claimed invention, including amending independent Claims 1, 20, 37 and 54 to include the feature of Claims 7, 26, 43 and 60, and accordingly canceling Claims 7, 26, 43 and 60. In view of the amendments to the claims and the remarks presented herein, Applicants request reconsideration and allowance of all of the pending claims of the present application.

A. Consideration of Previously Submitted Information Disclosure Statement

Initially, Applicants note that an initialed copy of the PTO Form 1449 that was submitted with Applicants' Information Disclosure Statement filed July 12, 2005 has not been returned to Applicants' representative with the Office Action. Accordingly, it is requested that an initialed copy of the Form 1449 be forwarded to the undersigned with the next communication from the PTO. In order to facilitate review of the references by the Examiner, a copy of the Information Disclosure Statement and the Form 1449 are attached hereto. Copies of the cited references were provided at the time of filing the original Information Disclosure Statement, and, therefore, no additional copies of the references are submitted herewith. Applicants will be pleased to provide additional copies of the references upon the Examiner's request if it proves difficult to locate the original references.

B. Claims 1-3, 6, 8-10, 20-22, 25, 27, 28, 37-39, 42, 44, 45, 54-56, 59, 61 and 62 are Patentable

The Official Action continues to reject Claims 1-3, 6-10, 20-22, 25-28, 37-39, 42-45, 54-56 and 59-62 as being anticipated by Tatsumi. Again, Tatsumi discloses a system and method for collecting viewing information related to broadcast commercials (CM programs). As disclosed, a broadcast facility broadcasts program data of a CM program together with associated information indicating a sponsor code, product name, and others. A viewer's broadcast receiver receives the CM program and extracts the associated information. The broadcast receiver then automatically transmits this information to a viewing information server together with viewing time/day, area information, and a previously-stored viewer profile (the transmitted information collectively being referred to as "viewing information"). The viewing information server may then store the received viewing information into a database, generate marketing information through statistical analysis of the viewing information, and provide the marketing information to an advertiser terminal.

According to a first aspect of the present invention, as reflected for example by amended independent Claim 1, a system includes a terminal and a destination. The terminal triggerable to obtain a location of the terminal by accessing one or more pieces of content from a memory of the terminal in an offline manner after receiving the at least one piece of content; and configured to store, into a content usage log, one or more content usage statistics relating to the terminal accessing the piece(s) of content. In this regard, one or more content usage statistics comprises the location of the terminal. The destination, then, is configured to receive the content usage log including the content usage statistic(s).

In contrast to amended independent Claim 1, Tatsumi does not teach or suggest a terminal accessing the content (with which the content usage statistic(s) are related) from memory of the terminal in an offline manner at some point in time after having received the at least one piece of content, that accessing of content triggering the terminal to obtain its location and store content usage statistic(s) including the location. As previously explained, in all of the disclosed embodiments of Tatsumi, its receipt of a CM program from the broadcast facility (and

not access of a CM program from memory) that triggers the extraction of information and sending of that information and other viewing information to the viewing information server.

As to former dependent Claims 7, 26, 43 and 60, Applicants note that the Official Action alleges that “since content is already stored in the storage 213, the terminal is inherently capable of accessing the content from the memory 212 in an offline manner.” Official Action of October 19, 2007, page 6. Even if one could argue that the terminal of Tatsumi is capable of accessing content from memory in an offline manner (although expressly without admission), Applicants maintain that Tatsumi does not teach or suggest pulling or otherwise accessing content from a terminal’s memory (in an offline manner) triggering the terminal to obtain its location, as recited by amended independent Claim 1.

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2, 3, 6 and 8-10, is patentably distinct from Tatsumi.

Applicants submit that amended independent Claims 20, 37 and 54 recite subject matter similar to that of amended independent Claim 1, including triggering obtaining the location of a terminal or apparatus by accessing content from memory in an offline manner (Claim 20), or memory of the terminal or apparatus in an offline manner (Claims 37 and 54), and storing content usage statistic(s) including the location. Applicants therefore respectfully submit that amended independent Claims 20, 37 and 54, and by dependency Claims 21, 22, 25, 27, 28, 38, 39, 42, 44, 45, 55, 56, 59, 61 and 62, are also patentably distinct from Tatsumi, for at least the reasons given above with respect to amended independent Claim 1.

In addition to the foregoing reasons, Applicants respectfully submit that various ones of the dependent claims recite features, including repeated location/content usage statistic storage features (i.e., Claims 8, 27, 44 and 61), further patentably distinct from Tatsumi. In this regard, nowhere does the cited reference disclose that the broadcast receiver repeatedly obtains its location and other viewing information, and sends the viewing information to the viewing information server for a period of time.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-3, 6-10, 20-22, 25-28, 37-39, 42-45, 54-56 and 59-62 as being anticipated by Tatsumi is overcome (or moot by virtue of the cancellation of Claims 7, 26, 43 and 60).

C. Claims 4, 5, 11-19, 23, 24, 29-36, 40, 41, 46-53, 57, 58 and 63-70 are Patentable

The Official Action rejects Claims 4, 5, 11-19, 23, 24, 29-36, 40, 41, 46-53, 57, 58 and 63-70 as being unpatentable over Tatsumi in view of Donian.

1. Claims 4, 5, 23, 24, 40, 41, 57 and 58

Dependent Claims 4, 5, 23, 24, 40, 41, 57 and 58 depend from amended independent Claims 1, 20, 37 and 54 which, as indicated above, are patentably distinct from Tatsumi. Applicants further respectfully submit that Donian does not cure the defects of Tatsumi. More particularly, in contrast to independent Claims 1, 20, 37 and 54, and by dependency Claims 4, 5, 23, 24, 40, 41, 57 and 58, neither Tatsumi nor Donian, taken individually or in any proper combination, teaches or suggest triggering obtaining the location of a terminal or apparatus by accessing content from memory (Claim 20), or memory of the terminal or apparatus (Claims 37 and 54), and storing content usage statistic(s) including the location. Applicants therefore respectfully submit amended independent Claims 1, 20, 37 and 54, and by dependency Claims 4, 5, 23, 24, 40, 41, 57 and 58, are patentably distinct from Tatsumi and Donian, taken individually or in any proper combination.

2. Claims 11-19, 29-36, 46-53, 63-70

According to a second aspect of the present invention, as reflected for example by amended independent Claim 11, a system again includes a terminal and destination. According to this aspect of the present invention, the terminal is configured to access one or more pieces of content from a memory, where the piece(s) of content comprise one or more pieces of pre-broadcast content related to broadcast content. The terminal is also configured to store, into a content usage log, one or more content usage statistics relating to the terminal accessing the piece(s) of pre-broadcast content. The destination is configured to receive the content usage log including the content usage statistic(s) before the broadcast content is broadcast.

As to independent Claim 11, the Examiner concedes that Tatsumi does not teach or suggest pre-broadcast content. Nonetheless, the Examiner alleges that Donian discloses this

feature, and that it would have been obvious to one skilled in the art to modify Tatsumi to include the feature. Initially, Applicants again submit that that even considering Donian, neither Tatsumi nor Donian, taken individually or in combination, teach or suggest a terminal storing content usage statistic(s) related to the terminal accessing one or more pieces of content from memory. Again, in all of the disclosed embodiments of Tatsumi, its receipt of a CM program from the broadcast facility (and not access of a CM program from memory) that triggers the extraction and sending of information. And Donian does not teach or suggest storing any content usage statistics related to the access of pre-broadcast content, much less the storing of any statistics related to the access of such content from memory.

Moreover, Applicants respectfully submit that neither Tatsumi nor Donian, taken individually or in combination, teaches or suggests a destination receiving content usage statistics before the related broadcast content is broadcast. Donian is alleged to disclose this feature of the claimed invention. Nowhere, however, does Donian teach or suggest statistics related to accessing pre-broadcast content. Thus, Donian cannot logically disclose sending those statistics before the related broadcast content is broadcast. And although Tatsumi may disclose extracting and sending information related to a CM program, Tatsumi does not teach or suggest sending that information before broadcast of related broadcast content. Applicants therefore respectfully submit that amended independent Claim 11, and by dependency Claims 12-19, is patentably distinct from Tatsumi and Donian, taken individually or in combination.

Applicants submit that amended independent Claims 29, 46 and 63 recite subject matter similar to that of amended independent Claim 11, including storing, into a content usage log, content usage statistics relating to accessing piece(s) of pre-broadcast content from memory; and sending the statistics to (or receiving the statistics at) a destination before the related broadcast content is broadcast. Applicants therefore respectfully submit that amended independent Claims 29, 46 and 63, and by dependency Claims 30-36, 47-53, 64-70, are also patentably distinct from Tatsumi and Donian, taken individually or in combination, for at least the reasons given above with respect to amended independent Claim 11.

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For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 4, 5, 11-19, 23, 24, 29-36, 40, 41, 46-53, 57, 58 and 63-70 as being unpatentable over Tatsumi in view of Donian is overcome.

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CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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